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**FEB 26 2003**

**OFFICE OF PETITIONS**

Applicant: Dubief et al.  
Appl. No.: 10/092,530  
Filing Date: March 8, 2002  
Title: COSMETIC COMPOSITION FOR TREATING KERATIN SUBSTANCES,  
COMPRISING AT LEAST ONE GRAFTED SILICONE POLYMER AND AT LEAST ONE  
AQUEOUS DISPERSION OF INSOLUBLE PARTICLES OF NONIONIC OR CATIONIC  
POLYMER  
Attorney Docket No.: 05725.0301-01  
Pub. No.: US 2002/0136699 A1  
Pub. Date: September 26, 2002

This is in response to the request for correction of patent application publication under  
37 CFR 1.221(b), which was filed on November 26, 2002.

The request is DISMISSED.

The instant request is that the application be republished because the patent application  
publication contain several mistakes, which may be material mistakes.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent  
from Office records." The instant request does not identify a material mistake in the publication  
made by the Office:

The instant request identifies several minor typographical errors such as "skeleton-grafted" for  
"skeleton grafted"; an improper "is" inserted in a sentence; "carboxyllc" for "carboxylic"; the  
phrase "Claims" is missing at the start of the claims section and "acrylonicrile" for "acrylonitrile",  
which are not material mistakes because the technical disclosure and the claims are  
understandable.

A material mistake must affect the public's ability to appreciate the technical disclosure of the  
patent application publication, to determine the scope of the patent application publication, or to  
determine the scope of the provisional rights that an applicant may seek to enforce upon issuance  
of a patent.<sup>1</sup>

The first error identified by applicant is not a material mistake by the Office because the  
specification as originally filed is not a clear copy and it contains marking, in which "skeleton  
grafted" appears to be hyphenated. The other mistakes are minor typographical errors, which are  
clearly understandable from reading the specification and claims in which the terms are used, as

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<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept.  
20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

words are not read in a vacuum. The error does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

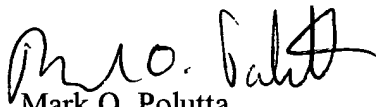
Any request for republication under 37 CFR 1.221(b), should be submitted via the EFS system and questions or request for reconsideration of this decision, should be addressed as follows:

By mail to:           Box PGPUB  
                          Commissioner for Patents  
                          Washington DC 20231

By facsimile:       703-305-8568

The application is being forwarded to Technology Center 1600 to await further examination in due course.

Inquiries relating to this matter may be directed to Mark Polutta at (703) 308-8122 (voice) or (703) 746-3465 (facsimile).



Mark O. Polutta  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy